

### **REMARKS**

In view of the above amendment, Applicants believe the pending application is in condition for allowance. Claims 1-15, 21-27, and 30-34 are now pending, of which claims 1, 11, 23, and 26 are independent. By this amendment, claims 1 and 8 have been amended. Reconsideration of this application, as amended, is respectfully requested.

#### **Reasons for Entry of Amendments**

It is respectfully requested that this Amendment be entered into the Official File because the amendments to the claims clearly place the application in condition for allowance. In particular, Applicants respectfully submit that at this point in prosecution the U.S. Patent Office should have identified the best available prior art and the claim amendments clearly defines over the cited prior art as explained below. Moreover, independent claim 1 has been amended to positively recite the features that Applicants have argued as the basis of patentability for independent claim 1, and as such should raise no new issue.

#### **Rejection Under 35 U.S.C. §§ 102 and 103**

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Kenreich; claim 2 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kenreich in view of Muhr; claims 3, 4, and 6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kenreich in view of Muhr, and in further view of Kwok; and claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Kenreich in view of Muhr and Kwok, and in further view of Tanigawa. These rejections are respectfully traversed.

Complete discussions of the Examiner's rejections are set forth in the Office Action, and are not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that independent claim 1 has been amended to recite a combination of elements in a laundry machine including, *inter alia*, "a mist generating device to convert water to mist, the mist generating device connected to a pipe in which water flows, whereby the water is supplied to the mist generating

device and converted to mist to be supplied to the drum” and “a mist transporting conduit having an inlet and an outlet, the mist transporting conduit being arranged downstream from the mist generating device, the inlet being connected to the mist generating device and the outlet arranged to deliver mist to the drum.”

Applicants respectfully submit that this combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Kenreich, Muhr, Kwok, and Tanigawa.

The Examiner states that it has been held that a recitation that an element is “adapted to” perform a function is not a positive limitation but only requires the ability to so perform. The Examiner states that the apparatus of Kenreich is capable of converting water to mist and, therefore, Kenreich anticipates independent claim 1. Applicants previously argued that this limitation did recite a positive limitation and relied on M.P.E.P. § 2111.04 for supporting this position. However, because the Office Action disagrees with this interpretation, Applicants respectfully submit that claim 1 has been amended to positively recite a mist generating device to convert water to mist and that the mist generating device is connected to a pipe in which water flows, whereby the water is supplied to the mist generating device. Clearly, as acknowledged in the Office Action, Kenreich does not disclose a mist generating device to convert water to mist where the mist generating device is connected to a pipe in which water flows to be converted to mist. Rather, Kenreich discloses an apparatus for bleaching fabrics that introduces bleaching material into a heated fabric-drying air for depositing the bleach on the fabric for absorption by the fabric. *See* col. 2, lines 5-11. As such, the atomizing pump 128 is used to introduce bleaching material into the air stream and, therefore, cannot be the claimed mist generating device. *See* Fig. 3.

None of the other references relied on by the Examiner were cited to overcome the deficiency noted above with respect to Kenreich. Therefore, Applicants respectfully submit that the combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Kenreich, for the reasons explained above. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

With regard to dependent claims 2-7, Applicants submit that claims 2-7 depend, either directly or indirectly, from independent claim 1, which is allowable for the reasons set forth

above, and therefore claims 2-7 are also allowable based on their dependence from claim 1, as well as for their additionally recited subject matter. Reconsideration and allowance thereof are respectfully requested.

**Allowable Subject Matter**

The Examiner states that claims 8-15, 21-27, and 30-34 are allowed. Applicants thank the Examiner for indicating that these claims are allowed.

**CONCLUSION**

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad D. Wells Reg. No. 50,875 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 10/822,748  
Amendment dated March 18, 2009  
After Final Office Action of December 18, 2009

Docket No.: 0465-1529PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: March 18, 2009

Respectfully submitted,

By David Bilodeau #42,325

James T. Eller, Jr.

Registration No.: 39,538

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road

Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant

David Bilodeau

CDW